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UNCLAS SANTO DOMINGO 006338

SIPDIS

SENSITIVE

DEPARTMENT FOR WHA/CAR (MCISAAC)

E.O. 12958: N/A

TAGS: [PGOV](#) [KJUS](#) [DR](#)

SUBJECT: DOMINICAN REMOVE OFFICIALS GET BAIL

REF: SANTO DOMINGO 06308

1. (U) Summary. After a lengthy hearing on November 19, 2004, the Dominican officials charged with embezzlement in the REMOVE scheme (reftel A), were released on bail and/or on their own recognizance. The cases will move forward under the new Dominican criminal procedural code. The released officials from the previous administration claimed a moral victory in avoiding pretrial detention and continued to maintain their innocence. End Summary.

2. (U) Late afternoon on Friday, November 19 Judge Victor Martinez granted bail to seven of the 12 former officials charged with embezzlement and related crimes in the REMOVE case. Johnny Morales, unregistered local representative for Hyundai Motors, was placed under house arrest. A second defendant, Sam Goodwin, was charged but not arrested because he is presumed to be outside the country. Pedro Franco Badia (Minister of Interior and Police under President Mejia), Admiral Ramon Emilio Jimenez (Secretary of the Armed Forces under President Balaguer), and Gervacio de la Rosa were released on their own recognizance. For six of the remaining defendants bail was set at RD \$1 million (US \$33,333) each; the seventh defendant's bail was RD \$ 5 million (US \$ 166,665). Various defendants were ordered to remain in the country and to report monthly to the Anti-Corruption Department of the Attorney General's office.

3. (U) The Attorney General and the Santo Domingo District Attorney both commented that the cases will continue through the normal procedures. AG Dominguez Brito noted that the bail hearing did not represent a defeat for the prosecution but only the first step in a lengthy process. The new Criminal Procedural Code, in effect only since September 27, applies to the case.

4. (U) The Dominican Revolutionary Party (PRD) of former president Hipolito Mejia claimed a moral victory in that no former official remains behind bars pending trial. Press coverage was heavy all weekend, repeatedly presenting the image of Badia leaving the courthouse with his arms raised in victory.

Comment

5. (SBU) The early public perception seems to be that the REMOVE officials will escape prosecution. This may be because the public does not understand the new procedures in the criminal procedural code. Prior to the implementation of the code, prosecutors commonly held defendants for lengthy unspecified periods during investigation by the judge of instruction. The new code precludes this practice and requires timely bail hearings. The general public has the impression that because no one is incarcerated, the case against them has failed. The Attorney General and the District Attorney haven't successfully countered this public spin. If, as expected, the judge of instruction finds sufficient evidence for the case to go forward, the public may be treated to a different view of judicial possibilities.

6. (U) Drafted by Angela Kerwin.

7. (U) This piece and others can be found at our SIPRNET site <http://www.state.sgov.gov/p/wha/santodomingo/> along with extensive other material.

KUBISKE